

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4/7/03.

I. DISPUTE

Whether there should be additional reimbursement for hospital admission of 4/4/02 through 4/7/02.

II. FINDINGS

Per Rule 133.307 (c) and (d) "A request for medical dispute resolution of a medical fee dispute must be timely filed with the commission's Medical Review Division (division).

(d) Timeliness. A person or entity who fails to timely file a request waives the right to medical dispute resolution. The commission shall deem a request to be filed on the date the division receives the request, and timeliness shall be determined as follows:

- (1) A request for medical dispute resolution on a carrier denial or reduction of a medical bill pursuant to §133.304 of this title (relating to Medical Payments and Denials) or an employee reimbursement request shall be considered timely if it is filed with the division no later than one (1) year after the date(s) of service in dispute."

Therefore, all disputed services prior to 4/7/02 are not within Commission jurisdiction and will not be reviewed.

III. RATIONALE

The itemized statements submitted by the requestor are incomplete, not documenting all services in dispute. This is particularly important because the Commission is unable to determine the days not eligible for review. On this basis, reimbursement can not be calculated; therefore, the Commission cannot Order payment.

IV. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for the hospital admission of 4/4/02 through 4/7/03.

The above Findings and Decision are hereby issued this 13th day of October, 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division